TESTIMONY OF

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BEFORE THE

COMMITTEE ON ENVIRONRNMENTAL MATTERS

MARYLAND HOUSE OF DELEGATES

ON

H.B. 697 – PUPIL TRANSPORTATION IN VEHICLES NOT MEETING FEDERAL SCHOOL BUS SAFETY STANDARDS

February 24, 2004

Good afternoon Chairwoman McIntosh and members of the Committee. It is a pleasure to be in Annapolis. Today, I want to talk with you about the National Transportation Safety Board's investigations of crashes involving vans and other vehicles used in pupil transportation, and about some of our recommendations for improving the safety of our children.

The National Transportation Safety Board is an independent Federal agency that investigates transportation accidents and makes recommendations to prevent their recurrence. The recommendations that arise from our investigations and safety studies are our most important product. More than 80 percent of our recommendations have been adopted by the organizations and government bodies in a position to effect improvements in transportation safety.

The Safety Board has investigated several serious accidents highlighting a disturbing trend in pupil transportation. Some school districts, day care centers, Head Start facilities, contract transportation companies, colleges, and others are using "nonconforming buses" for student transportation. These are vehicles that meet the Federal definition of a bus, but not the Federal occupant protection standards of school buses. This trend is potentially serious in that it puts children at greater risk of fatal or serious injury in the event of an accident.

During an 11-month period beginning in the spring of 1998, the Safety Board investigated four school-related bus accidents in which a total of 8 children were killed and 33 were injured. These accidents involved vans or buses that did not conform to the Federal regulations that the yellow school buses must meet. Based on its findings in these accidents, the Safety Board initiated a special investigation which addresses three important safety issues:

- The adequacy of occupant crash protection and crashworthiness of nonconforming school buses transporting school children;

- The adequacy of state regulations and guidelines governing nonconforming buses used to transport school children; and

- The adequacy of state laws governing the use of restraint systems in nonconforming buses transporting school children

Let me briefly tell you about these accidents:

On March 25, 1998 in Sweetwater, Florida, a 15-passenger van hired to transport children to and from school, struck a transit bus at an intersection. Three children were ejected and a total of 4 children and one adult were injured.

The next day, in Lenoir City, Tennessee, a 25-passenger specialty bus that is mostly used for sightseeing in the Great Smoky Mountains, was carrying a school group to a music competition. While trying to make a U-turn on the interstate, the bus was hit by a tractor trailer. A student and a teacher were killed and 17 children were injured.

On December 8, 1998 in Dublin, Georgia, a 15-passenger van, carrying five Head Start children, hit a pick-up truck. Head Start is a child development program that serves low-income families. When the van hit the truck, the van spun around and hit an embankment; one child was ejected and killed. The other four children had minor injuries.

On February 16, 1999, in Bennettsville, South Carolina, a parent was taking six children home from a church daycare center in a van. This van pulled in front of a tow truck and was hit. Three children were killed after being ejected and other three children were killed by the impact. The driver received serious injuries.

The Bennettsville accident is of special interest. At about 5:20 p.m., a 1996 Dodge 15-passenger van, occupied by an adult driver and six children, ages 7 to 11, was travelling eastbound on County Road 209 when it was struck by a northbound tow truck on State Route 9. The van driver reported that she had stopped for the intersection stop sign, then had proceeded across the two southbound lanes to the median crossover area, where she again had stopped before proceeding across the northbound lanes. She said she never saw the tow truck approaching. A witness who had been stopped at the westbound stop sign said, however, that the van did not stop at the sign and continued to travel into the path of the tow truck, which struck the right side of the van. After impact, the van came to rest upright against a tree about 100 feet northwest of the intersection.

The outboard seating positions were equipped with lap-shoulder belts, and the interior seats were equipped with lap belts only. None of the van occupants was restrained at the time of the accident. Of the six children in the van, three were ejected during the accident sequence and sustained fatal injuries. Three children remained in the van; however, they sustained fatal injuries because their seating positions were in the impact area.

In 1993, the Safety Board investigated an accident in Snyder, Oklahoma, that had a scenario similar to that of the Bennettsville collision, except that the vehicle struck in the side was a small school bus that met the Federal standards, and the striking vehicle was a fully loaded truck tractor semi-trailer. Despite the larger size and far greater weight of the striking vehicle in the Oklahoma accident, the school bus afforded better protection from intrusion damage than the van in the South Carolina accident.

The Safety Board concluded that had the children in the Bennettsville accident been riding in a school bus instead of a passenger van, the striking tow truck probably would not have intruded as much, and the children in the impact area probably would have had more survivable space because of the school bus's greater structural strength. Further, the Board concluded had school buses (or buses providing equivalent occupant crash protection) been used in the accidents investigated for its study, the vehicles probably would have sustained less damage and the passengers may have suffered fewer and less severe injuries.

In October, 2002 the Safety Board completed an investigation of the rollover propensity of 15-passenger vans. These vehicles are involved in a higher number of single-vehicle accidents involving rollovers than are other passenger vehicles. Fully loading a 15-passenger van to near capacity causes the center of gravity to move rearward and upward. This shift of

gravity increases the rollover propensity and increases the potential for loss of control in emergency maneuvers. Indeed, 15-passenger vans with 10-15 occupants have three times the rollover ratio than those with fewer than 10 occupants.

These shortcomings were highlighted by a February 10, 2000 crash involving athletes from Prairie View A & M University in Texas. A 15-passenger van carrying 11 athletes and coaches was traveling northbound on a two lane highway in Hempstead, Texas. As the van approached a Jeep Grand Cherokee also traveling northbound, the Jeep signaled that it was going to make a left into a convenience store. The Jeep slowed and passed the first store entrance, and the van driver then tried to pass the Jeep on the left. The Jeep then attempted the turn into a second entrance. The van driver made emergency maneuvers to try and reverse the passing action. Although the Jeep and 15-passenger van never made contact, the van careened out of control, and flipped three times. Five of the occupants were ejected. Three of those who were ejected were killed, and the other 8 passenger were seriously injured.

More recently, in July, 2003 the Safety Board completed its investigation of two more 15-passenger van accidents. This time, the vans were carrying church groups. Both vans experienced tire blowouts, likely due to underinflation, and the degraded conditions of the tires. Both drivers were unable to control the van, lost control of their vehicles, and the vans rolled over. Five people were killed, and 12 were seriously injured in these accidents.

The Safety Board is currently in the midst of investigating yet another accident, in Memphis, Tennessee, in which a day care van was transporting children to school, ran off the road, and struck a bridge abutment. Four people were killed, and 2 were seriously injured.

In the early 1970s, the Federal government developed stronger design standards for school buses because they carry children. All bus structures, regardless of type must meet Federal standards; however, only school buses have Federal standards specifically addressing occupant protection, joint strength of body panels, and roof rollover protection. The occupant crash protection standards for school buses assure their passengers a higher degree of safety than other vehicles.

School bus occupant crash protection standards require that the vehicle have compartmentalization, that is, an interior design using high-back, padded seats spaced comparatively close together, so that, during an accident sequence, occupants have less room to move around the vehicle or to be ejected. Fifteen-passenger vans do not have federally required seating compartmentalization.

Specialty buses and vans do not have comparable crashworthiness and occupant protection standards required by the Federal government. Specialty buses, which are generally used for light duty transportation, such as local tours or airport shuttles, are expected to accrue the same lifetime mileage as a passenger car or light truck. They typically are built like recreational vehicles, such as motor homes. Fifteen-passenger vans, which are generally used as passenger vehicles, also are expected to accrue about the same lifetime mileage as passenger cars. The vans typically are built to Federal standards required for all buses that are not school buses.

The Federal government regulates the standards to which vehicles must be built, but the states mandate what type of vehicle should be used to transport school children. Most states require that children be transported to and from school only on buses meeting Federal school bus crashworthiness standards. However, some states either allow or do not prohibit the use of nonconforming buses for school-related activities.

The Federal regulations were developed to provide our children with greater protection when being transported. The Safety Board is firmly convinced that the best way to maximize pupil transportation safety is to require the use of school buses or buses built to equivalent occupant crash protection standards. When states and school systems allow children to be transported in vehicles not meeting Federal school bus construction standards, the protection of school children is undermined.

While the operation of vans in the accidents investigated by the Safety Board probably met applicable state and local laws, the children transported in those vehicles were not afforded the same level of protection as children transported on school buses, or buses built to the equivalent structural standards. When state government does not prohibit the use of vans or buses that do not comply with the Federal school bus standards, parents may mistakenly believe their children are being transported in the safest mode possible. The lack of state legislation allows for situations in which students may be transported in a vehicle that does not provide the maximum available protection during accidents.

What is particularly disturbing about the findings from all these accidents is that they highlight problems that the Safety Board identified more than 15 years ago. In 1983, based on its investigations of several school bus accidents, the Safety Board recommended that states review their laws and take any necessary legislative action to ensure that vehicles designed to carry more that 10 passengers and weighing less than 10,000 pounds and used to transport children to and from school, school related events, day care centers, or similar purposes meet all Federal standards applicable to small school buses.

The Safety Board recognizes that, although schools and organizations are increasingly replacing nonconforming buses with school buses, vehicles not meeting the occupant crash protection standards of school buses will continue to be used for pupil transport until Federal or state laws stipulate otherwise.

It is my understanding that H.B. 697, the legislation before you, would require that children being transported to a school, school related activity, a child care center, or a civic, educational, social, or recreational activity (including a day camp or summer camp), in a vehicle designed to carry more than 10 passengers, must be in a vehicle that meets Federal school bus safety standards. There are exceptions for common carriers, privately owned vehicles, and taxicabs. Further, the bill allows organizations currently operating a van to continue its use until October, 2009. This will allow these vehicles to remain in use for the remainder of their useful life.

I urge you to adopt a measure, such as H.B. 697, so that we can provide the highest level of safety for our children. However, let me express my concern about the exception for vehicles hired by parents under a private contract, that is contained in Sec. 22-419(B)(3). The Sweetwater, Florida accident, which I mentioned earlier, involved a similar arrangement. Further, just this past fall, there were two fatal accidents in Houston, Texas, involving 15-passenger vans hired by their parents to take their children to school. As we have found in our investigations, these vehicles should not be used to transport children, regardless of the vehicle's ownership arrangements.

Children riding in these non-conforming vehicles are at greater risk of fatal or serious injury in the event of an accident. These vehicles need to be removed from the school transportation service.

Thank you again for inviting the Safety Board to testify about this important problem and I would be happy to answer any questions you may have.

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